

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTWOINE BEALER,

Plaintiff,

v.

WARDEN, *et al.*,

Defendants.

Case No. 2:23-cv-00284-KJM-JDP (PC)

**ORDER**

GRANTING PLAINTIFF'S MOTION FOR  
SUBPOENAS

ECF No. 18

On April 16, 2024, the court ordered that this action shall proceed on plaintiff's Eighth Amendment claims against two "Doe" defendants. ECF No. 20. In accordance with that order, plaintiff's motion for a subpoena to identify the unknown defendants, ECF No. 18, is granted. The Clerk of the Court is ordered to provide plaintiff with two signed subpoenas to request documents from a non-party so that plaintiff can seek documents identifying the unknown defendants. If plaintiff succeeds in identifying the unknown defendants, he should file a motion to substitute the named individual defendants.

Accordingly, it is hereby ORDERED that:

- 25 1. Plaintiff's motion for a subpoena, ECF No. 18, is granted.
- 26 2. The Clerk of Court is directed to provide plaintiff with two signed but otherwise blank  
27 subpoena duces tecum. *See Fed. R. Civ. P. 45(a)(3).*

3. Within thirty days of this order, plaintiff shall return the signed subpoena. The subpoena should identify with particularity the materials it commands to be produced. Upon receipt of the completed subpoena form, the court will direct its service by the U.S. Marshal.

4. If plaintiff can identify the identity of the unknown defendants, he shall file a motion to substitute.

5. Failure to comply with this order may result in the dismissal of this action.

IT IS SO ORDERED.

Dated: April 30, 2024

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JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE